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Attorneys for Plaintiff

IN THE UNITED STATES DISTRICT COURT
FOR THE DISTRICT OF ALASKA
AT ANCHORAGE

| | | |
|------------------------------|---|---------------------------|
| ALASKA RENT-A-CAR, INC., |) | |
| an Alaska Corporation, |) | |
| |) | |
| Plaintiff, |) | |
| |) | |
| v. |) | |
| |) | |
| CENDANT CORPORATION, et al., |) | |
| |) | |
| Defendants. |) | Case No. 3:03-cv-29 [TMB] |
| |) | |

[PROPOSED ALTERNATIVE] ORDER DENYING MOTION TO STRIKE

The Court having considered the motions to strike hereby orders that it will not strike the defendants' untimely cross-motion for summary judgment; however, the Court will allow Alaska Rent-A-Car to conduct depositions of approximately one hour in length on the issues raised in the piercing cross-motion. These depositions on the piercing issue shall occur immediately and without delay. Plaintiff may select 12 of defendants' executives for deposition on the piercing issue. Since the depositions are limited to approximately one hour in length, the parties will seek to cooperate to schedule the

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depositions back-to-back/consecutively so that they may be accomplished in a single deposition trip with all depositions scheduled to be concluded in two days time.

IT IS ORDERED.

DATED; _____

TIMOTHY M. BURGESS
UNITED STATES DISTRICT COURT JUDGE

CERTIFICATE OF SERVICE

I hereby certify that on September 28, 2006 a copy of foregoing [Proposed] Order Granting Motion to Strike was served electronically on Diane F. Vallentine and John F. Dienelt and on

Barry M. Heller
DLA Piper Rudnick Gary Cary US LLP
1200 Nineteen Street NW
Washington, DC 20036-2430

by regular U.S. Mail

s/Jon T. Givens _____